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State of Wisconsin Department of Corrections

Date: October 2, 1996

To: The Honorable Brian Burke, Co-Chair
Joint Committee on Finance

The Honorable Ben Brancel Co-Chair
Joint Committee on Finance

From: Michael J. Sullivan, Secretary
Department of Corrections

Subject: S. 13.10 Request

I would like to thank you for the opportunity to appear before the Joint Committee on Finance on September 28. Given your approval, the department is in the process of finalizing the arrangements with Texas and the first inmates are expected to be transported by mid October. The Hood County Sheriff is actively pursuing beds in other counties to bring the total available for Wisconsin's use to 700 beds.

I believe that it is important for me to also share with you some additional information about the impact of the other actions taken on September 28. Since my appearance, I have received several inquiries about the effect of limiting the Intensive Sanctions population to 1,600. According to the Fiscal Bureau calculations, this action will increase the average daily population in the correctional institutions by 125 inmates and increase the endpoint prison population by 300 more than the projected populations in the Fiscal Bureau paper.

I have also received numerous inquiries about the impact of eliminating discretionary parole release for inmates who have been convicted of delivering or attempting to deliver controlled substances. Using our experience for 1995 releases to estimate the number of inmates who would likely have been released before June 30, 1997, there are over 700 inmates who will be effected by the elimination of discretionary parole. This will result in an increased average daily population of 418 inmates and an increased endpoint population on June 30, 1997 of approximately 600 more than the previously projected endpoint.

The resulting cost of incarcerating these additional inmates (543 ADP) in out-of-state contract beds would be approximately \$8 million dollars. To this end, the department is presently exploring the availability of prison/jail capacity in other states in the event it becomes necessary to expand the number of inmates being confined outside of the state of Wisconsin.

I would like to point out that in addition to the major fiscal effect created by this excess population, the AODA programming in DOC facilities will also be significantly effected. The present AODA programs currently draw heavily from those inmates in the population that are some distance from their mandatory release date for whom successful completion of the program is viewed as a positive factor in their parole consideration. Many of the drug dealers now in the AODA programs are scheduled to complete them in the near future. Upon their completion these inmates will now need to be relocated to another facility rather than released on a discretionary parole. Under these circumstances, efforts to replace them in these programs will focus on those inmates in need of AODA who are approaching their mandatory release date. However, the incentive for them to actively and successfully participate in these programs is greatly diminished or no longer exists since their prospect for a discretionary parole release is not there. Obviously, I am very concerned about the impact that these dynamics will have on the AODA programs that the department has worked so hard to develop.

I appreciate the fact that the actions taken by the Committee on September 28 did address the inmate related costs for the additional 232 inmates projected in the Fiscal Bureau paper. However, I must advise you that in the next two months, the DOC will be developing a plan to address the additional populations resulting from the capacity limit on Intensive Sanctions and the elimination of discretionary release for drug dealers. Given the magnitude of the potential problem, I can assure you that the DOC will be submitting a future request for additional assistance from the Committee at the December, 1996 meeting. Thank you.

cc: Ave M. Bie
Dean Stensberg
Pamela Brandon
Mary Cassady
Robert Margolies
Scott Petterson, Governor's Office
Roger Fetterly, DOA
Jere Bauer, LFB

IV. Department of Corrections -- Michael J. Sullivan, Secretary

The Department of Corrections requests that \$2,073,800 GPR designated for intergovernmental corrections agreements in the Committee's appropriation (s. 20.865(4)(a)) for FY97 be transferred to the intergovernmental corrections agreement appropriation (s. 20.410(1)(ab)) to contract for prison beds outside of the State of Wisconsin. The department also requests approval to use up to \$1 million currently appropriated in s. 20.410(1)(ab) to contract for beds outside of Wisconsin, and in addition, requests the transfer of \$2,637,400 GPR from s. 20.865(4)(a) to s. 20.410(1)(ab) for additional out-of-state beds.

The Department of Corrections further requests that \$937,900 GPR designated for intensive sanctions in the Committee's appropriation (s. 20.865(4)(a)) for FY97 be transferred to the adult correctional services general program operations appropriation (s. 20.410(1)(a)). In addition, DOC requests the transfer of \$2,111,100 GPR from s. 20.865(4)(a) to s. 20.410(1)(a) to cover the variable costs of additional inmate population housed in Wisconsin and staffing and operating costs for utilization of existing space and a new dormitory at Taycheedah Correctional Institution. Associated with these transfers is a request for 102.5 GPR FTE positions to staff the additional beds.

The Department of Corrections also requests the Committee's approval of the contract for jail beds between DOC and Hood County, Texas and associated Texas Counties of Johnson, Palo Pinto and Comanche as required under s. 302.26.

Governor's Recommendation

Approve the department's request as follows:

1. Approve the contract for jail beds between DOC and Hood County, Texas and associated Texas Counties of Johnson, Palo Pinto and Comanche as required under s. 302.26; and
2. Authorize DOC to reallocate \$1 million from within the intergovernmental corrections agreement appropriation (s. 20.410(1)(ab)) from local jail beds to Texas jail beds (Does not require the Committee's approval).

In addition, modify the department's request as follows:

1. Authorize DOC to reallocate \$1,216,300 GPR from the intensive sanctions appropriation (s. 20.410(1)(ai)) to the intergovernmental corrections agreement appropriation (s. 20.410(1)(ab)) to contract for jail beds in Texas;
2. Transfer \$2,617,000 GPR from the Committee's appropriation designated for DOC to the intergovernmental corrections agreement appropriation (s. 20.410(1)(ab)) to contract for jail beds in Texas;
3. Transfer \$394,700 from the Committee's appropriation designated for DOC to the general program operations appropriation (s. 20.410(1)(a)) to provide part of the funding for 357 beds in existing institutions;
4. Transfer \$1,159,800 from the Serious Juvenile Offender appropriation (s. 20.410(3)(cg)) to the general program operations appropriation (s. 20.410(1)(a)) to provide funding for the remainder of the 357 beds in existing institutions; and
5. Create 57.0 GPR FTE positions in DOC's general program operations appropriation (s. 20.410(1)(a)) to provide positions to staff the 357 beds recommended in existing institutions.



Legislative Fiscal Bureau

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September 26, 1996

TO: Members
Joint Committee on Finance

FROM: Bob Lang, Director

SUBJECT: Corrections -- Texas Jail Contracts and Staffing Increases -- Agenda Item IV

INTRODUCTION

The Department of Corrections requests increased funding of \$7,563,400 GPR in 1996-97 with an additional 102.5 GPR positions for contracting with county jails in Texas and for increased staffing associated with projected population increases. In addition, Corrections requests the Committee's approval to use up to \$1,000,000 GPR in 1996-97 currently appropriated for contracts with Wisconsin county jails to instead contract with Texas counties. The Committee should note that the Department has identified an error in its original request for \$7,760,200 which reduced the total request by \$196,800. This paper uses the revised funding request.

In addition to the Department's s. 13.10 request, the Committee is also required under s. 302.26 to approve any contract to transfer 10 or more inmates in any fiscal year to any one state or any one political subdivision of another state. The Department of Corrections has submitted a contract with four Texas counties for the Committee's approval.

BACKGROUND

In 1995 Act 416 (the Corrections budget adjustment act), budgeted populations for the adult correctional institutions were increased for 1996-97 from 12,006 (estimated in Act 27) to 12,728. During deliberations in the budget adjustment bill, the Department requested additional funding for inmate food, clothing and medical care, but did not request increased staffing to address the increased populations. In part to accommodate the increased populations, Act 416 provided funding to support 455 contract jail beds (\$9,718,900 GPR in 1996-97) and placed \$2,073,800

GPR in the Committee's appropriation for release to Corrections for additional jail contracts with Wisconsin counties or other states. The \$2,073,800 GPR represents sufficient funding for an additional 102 Wisconsin jail beds, at \$58 per day.

In its s. 13.10 request, Corrections has reestimated its 1996-97 average prison population to 13,242, with a June 30, 1997, population estimated at 13,948. This population estimate includes state prisoners held in Wisconsin county jails, but does not include any reduction for prisoners sent to Texas or for increased participation in the intensive sanctions program (ISP).

In order to address the increase in inmate populations, Corrections plans to increase the number of inmates being released to ISP by up to 600, contract with Texas counties for up to 700 beds, add an additional 398 beds in existing institutions and construct a 150-bed dormitory for female offenders. The Department will utilize existing resources to accommodate more ISP inmates. Inmates released to ISP will either be placed in the program after review by the Parole Commission or as an alternative to having their probation or parole revoked.

SUMMARY OF REQUEST

The Department's request consists of four parts: (a) the requested approval of the Texas contract; (b) the release of funding in the Committee's appropriation which has been reserved for jail contracts and increased funding to support additional contracted jail beds; (c) increased staffing at the correctional institutions associated with increased prison populations; and (d) increased staffing for the Taycheedah Correctional Institution associated with the construction of a 150-bed dormitory unit. The funding and positions requested are shown in the following table:

<u>Item</u>	<u>FTE Positions</u>	<u>Amount Requested</u>
Jail Contracts	2.0	\$6,154,800
Increased Staff	80.3	2,215,200
Taycheedah Dormitory	<u>20.2</u>	<u>193,400</u>
Total	102.5	\$8,563,400

<u>Funding Sources</u>	<u>Amount</u>
(a) Committee Reserve Funds	\$3,011,700
(b) Committee Unallocated Balance	4,551,700
(c) Base Resources for Jail contracts	1,000,000

ANALYSIS

Contract with Texas Counties

Under 1995 Act 344, any contract involving the transfer of more than 10 prisoners in any fiscal year to any one state or to any one political subdivision of another state must first be approved by the Legislature by law or the Joint Committee on Finance. Consequently, the Department is submitting its unsigned agreement with four Texas counties for the Committee's review and approval. Note that the agreement submitted by the Department as part of its s. 13.10 request was revised on September 20, 1996. The major provisions of the revised agreement are summarized below. A complete summary can be found in Attachment I.

Parties, Terms, Number of Beds and Reimbursement. The agreement calls for the housing of up to 700 Wisconsin inmates in four Texas county jails at a cost of \$39.96 per day per inmate. The agreement would be in effect from October 15, 1996, through June 30, 1997, and could be amended or extended in one-year increments upon the written agreement of the parties.

While the Sheriff of Hood County Texas would be administering the agreement with the Department, there are three additional counties which are parties to this agreement: Johnson, Palo Pinto and Comanche Counties. These neighboring counties are located southwest of Fort Worth. Both the Department and the Hood County Sheriff indicated that the four counties identified in the current agreement could accommodate approximately 350 to 400 Wisconsin inmates, and that other counties would need to be added to the agreement to reach the 700 inmate level. The Sheriff indicated that he did not want to begin the process of identifying additional counties until the agreement was approved by the Committee, but stated there would be no problem in securing the additional beds. The Department believes that because the agreement is with Hood County, and that subsequent counties would in effect be subcontractors and not contractors, that once the agreement is approved by the Committee, subsequent Committee approval would not be required to add counties to the agreement.

However, all four counties are clearly party to the agreement and any additional counties would be added as parties and would be required to sign an amended contract. Therefore, to the extent any county outside the four currently named would contract to accept more than 10 Wisconsin inmates, approval by the Finance Committee or passage of legislation would be required prior to the transfer of the inmates. Corrections argues the time required to meet the statutory requirement may delay the transfer of inmates to Texas. To respond in a timely fashion and fulfill the statutory requirement, the Committee could allow a 14-day passive review process for approving the addition of counties to the current contract proposal.

Selection of Inmates. The criteria for inmate selection would be: male, medium custody inmates who, at the time of transfer, have been cleared by Correction's health, dental and medical services as having no health concerns. Inmates with a history of institutional violence, escape or attempted escape from secure custody would not be eligible. The Texas counties would have the right to reject any inmate for medical or behavior problems. While not in the agreement, the

Department states that it would not transfer inmates whose transfer would have a negative effect on the likelihood of parole. (This means that if a prisoner requires a certain type of program to become eligible for parole and that program is not available in Texas, that inmate would not be transferred.) The Department further states that those prisoners volunteering for transfer to Texas would be considered. Finally, in determining transfer, the Department would give higher priority to newly admitted inmates.

While not stated in the agreement, the Department's plan, pending 1997-99 funding, is to transport inmates for one-year stays in Texas. After one year, inmates would be returned to Wisconsin to serve the remainder of their sentences, to be replaced in Texas with other inmates.

Programming and Medical Services. The Texas counties would be responsible for confining the inmates in appropriate penal surroundings but would not be required to provide additional treatment, facilities or programs to Wisconsin inmates which they do not provide to other similar inmates. The counties would provide: (a) lodging facilities; (b) programs; (c) constant monitoring of the premises; (d) three nutritious meals a day (at least two of which would be hot); and (e) basic necessities including but not limited to beds, clean bedding, personal hygiene items, toilet facilities, recreational facilities as may be available, canteen facilities, visiting facilities, library/law library and other program services that may be available. Inmates would also have access to all volunteer programs/activities, chaplaincy directed programs and crisis intervention and social services treatment available to other jail inmates. The counties would provide the inmates an institution account and institution needs pay of \$3.20 per week (5 days at \$.64/day) when in general population status.

Inmates would receive medical, optometric, psychiatric and dental diagnosis and treatment necessary to safeguard their physical and mental health, and not less than that provided to other inmates. These costs would be paid by the counties if the services are provided by the jail. The cost of any special care would be paid by the Department. The Hood County Sheriff indicates that his county would be willing to provide additional programming if the Department would pay for it. The current proposal would provide for funds for additional medical expenses, but no additional programming.

Liability Issues. It should be noted that inmates transported to Texas under this agreement would remain in the custody of the Department. While there is a provision in the agreement to require the counties to defend themselves at their expense in any action or proceeding arising out of confinement in the county jails which involves conditions of confinement action of county employees, this would not, according to legislative attorneys, relieve the Department of potential liability.

Department officials personally inspected three of the four county jails included in this agreement, and conducted a phone interview and watched a videotape concerning the fourth county jail. The Department indicates that the s. 13.10 request includes funding for monthly monitoring visits by Corrections officials for the first six months of the agreement and visits

every other month for the remainder of the fiscal year to assure that the conditions in the four jails and in any additional jails meet Wisconsin standards.

Impact on Wisconsin Prisons. Higher inmate population projections, based on most recent admission trends, indicate a need for accommodating more inmates this fiscal year. The Department indicates that virtually all available Wisconsin county jail beds will be used in 1996-97 and in subsequent years. If the Texas jail agreement is not approved, crowding would become more severe. The Department indicates serious concerns regarding the safety of institution staff and inmates would result without the agreement.

Funding for Texas County Jail Bed Contracts

Current funding in 1996-97 for contract county jail beds is \$9,718,900 GPR. This funding allows the Department to purchase an estimated 455 beds per day to house state prisoners. In 1995 Act 416, an additional \$2,073,800 GPR in 1996-97 was placed in the Committee's appropriation for possible release to Corrections if the Department was able to contract for additional jail beds space in Wisconsin or with another state. Currently, only Wisconsin county jails are utilized and the daily cost averages \$58. In 1995-96, the Department contracted for an average of 407 jail beds per day; the Department estimates the same level for 1996-97.

In its s. 13.10 request, the Department plans to transport inmates to Texas beginning October 15 in groups of 80, twice a month until 700 beds are filled (by February 5, 1997). To fund the Texas contract, the Department requests the release of the funding currently in the Committee's appropriation for jail contracts (\$2,073,800 GPR) and an additional \$3,081,000 GPR and 2.0 GPR positions to support the contract with Texas county jails from October, 1996 to June, 1997. In addition, Corrections has indicated that it would use \$1,000,000 GPR from its current jail contracts appropriation to fund the Texas jail beds. In total, the \$6,154,800 would support 700 county jail beds in Texas, with an average daily population for 1996-97 of 391 inmates. The Department's request for the Texas jails contract is divided as follows:

	<u>FTE Positions</u>	<u>Amount Requested</u>
Jail Contract		\$5,711,200
Transportation and Contract Administration		191,100
Medical Services		195,600
Records Administration	<u>2.0</u>	<u>56,900</u>
Total	2.0	\$6,154,800

Subsequent to its s. 13.10 submission, the Department has indicated that the plan to transport all 700 inmates to Texas by the beginning of February may be optimistic. Since the current agreement with the four counties would not provide all 700 beds, other Texas counties

need to be identified, inspected, and submitted for Committee review before inmates could be transported to additional counties. An alternative plan which would transport 360 inmates to Texas by the end of the calendar year, and have all 700 inmates transported by early May, 1997, would require additional funding of \$3,881,500 GPR. Another alternative would be to provide funding at this time only for the 360 inmates to be transferred to the four counties by December, 1996. Additional funding could be released upon identification of additional beds and submission of additional agreements to the Committee for review. This alternative would require \$2,553,200 GPR and 2.0 GPR positions.

The \$191,100 GPR requested for transportation and contract administration would pay for inmate transportation costs and the expenses of Department monitoring visits to Texas. These costs would not change with an alternative transportation schedule.

Medical services (\$195,000) are budgeted at \$500 per inmate, calculated from the average daily population. This is slightly less than half of the current annual average of \$1,082 per inmate for medical service expenses. The lower budget estimate for the Texas contract assumes that inmates will be healthy when transported, and that medical services for approximately 30% of the medical costs will be provided in the jails and therefore payable by the counties. If the alternative transportation schedule is approved, costs for medical services would be reduced to \$153,400.

Finally, 2.0 GPR positions (1.0 program assistant and 1.0 institutions registrar) are requested for the Dodge Correctional Institution at a cost of \$56,900 GPR in 1996-97 (\$63,100 GPR annually) to handle the paperwork associated with the Texas inmates. This request appears reasonable given the numbers of inmates, the logistics needed to conduct program review and parole interviews by phone and conduct off-site file reviews, and the annual turnover of inmates.

Increased Staffing at Existing Correctional Institutions

The following table indicates the estimated 1996-97 inmate populations under Act 416 and the Department's s. 13.10 request.

	Total Institution Population	Wisconsin Prisons	Wisconsin Jail Contracts	Texas Jail Contracts
Current Law (Act 416)				
Average Daily Population	12,728	12,171	557*	0
June 30, 1997	13,530	12,973	557*	0
S. 13.10 Request				
Average Daily Population	12,992**	12,194	407	391
June 30, 1997	13,348**	12,241	407	700

* Includes funding for additional jail beds held in the Committee's appropriation.

** Deducts s. 13.10 estimate of additional releases to Intensive Sanctions.

Since submitting its s. 13.10 request, the Department has indicated that a more realistic estimate of increased intensive sanctions program inmates is 300, rather than 600. This would result in a projected June 30, 1997, institution population of 13,648, with an average daily population in 1996-97 of 13,117.

Using Corrections' revised population estimates (13,117 in 1996-97 when the revised intensive sanctions program increases are deducted) and assuming the Department places 700 inmates in Texas jails under the alternative plan, the average daily inmate population in Wisconsin prisons in 1996 will be 12,403, 232 inmates higher than estimated in Act 416 and 817 higher than estimated in Act 27. Current institutional staffing levels were allocated based on the Act 27 estimates. It should be noted that in Act 416, the Department did not request additional staff to deal with higher population levels.

In order to support the increased inmate population in Wisconsin prisons, the Department is requesting \$2,215,200 GPR and 80.3 GPR positions. On an annualized basis, the cost of these positions is \$2,688,900 GPR.

Corrections plans to add 398 beds to existing institutions. The requested positions would provide increased security staffing, additional inmate support services (social services, education and health), inmate work crew staffing and general institutional support. Attachment II details by institution the requested number and type of positions.

The Department argues that an emergency currently exists within the institutions concerning understaffing resulting from overcrowding. The Department argues that all positions requested, which include security staff (officers for the housing units), work crew staff (officers and facility repair workers), and other staff (food production assistants, social workers, nurse clinicians, teacher assistants, program assistants and officers for laundry supervision, patrol and transportation) provide essential services in maintaining the safety of an institution, and that the increased inmate populations warrant funding of the requested positions through the s. 13.10 process. Alternatively, the Committee could determine that safety concerns are related to security staffing in inmate housing units only, and provide staff and funding for 47.27 officer positions at a cost of \$1,293,600 GPR in 1996-97. Annualized costs would be \$1,526,900 GPR for these positions. While other increased staffing may be warranted, security officers in housing units can be considered as being more urgent and other positions may be addressed in the 1997-99 biennial budget.

Another alternative that the Committee could consider would be to provide increased staffing based on staffing ratios that would result from the Department's increased number of beds. Under this alternative, Corrections request could be reduced by \$592,500 GPR and 21.86 GPR positions in 1996-97. The alternative would provide security housing staff at all institutions except Green Bay. The Department has indicated that the staffing request at Green Bay is not directly related to the increased number of inmates, but rather a change in the scheduling of school and work assignments for inmates. This need could be addressed in the 1997-99 biennial

budget. In addition the alternative would provide: (a) work crew staffing at medium security institutions and minimum security correctional centers; (b) teacher assistants at Green Bay and Waupun Correctional Institutions; (c) social workers at Waupun and Jackson County Correctional Institutions and at the Burke Correctional Center; and (d) nurse clinicians at Waupun and Kettle Moraine Correctional Institutions. Total funding provided would be \$1,622,700 GPR and 58.44 GPR positions in 1996-97. On an annualized basis, the cost of the increased staffing would be \$1,934,500 GPR.

It should be noted that while the above alternative would not provide work crew staffing at Waupun, Green Bay and Oakhill, based primarily on current staffing ratios and the relative inmate population increases, in Act 416 the Legislature placed \$183,800 GPR in the Committee's appropriation for costs associated with secured inmate work programs ("chain gangs"). The Department could request, at a later s. 13.10 meeting, the release of the reserved funding, either for implementation of chain gangs or for other work crew staff positions.

Staffing of Taycheedah Correctional Institution Dormitory

The Department requests that \$193,400 GPR be transferred from the Committee's supplemental appropriation and that 20.2 GPR positions be created for three months to operate a new 150-bed dormitory at the Taycheedah Correctional Institution. These positions include security staff (13.3 positions), work crew supervisors (2.4 positions), a unit supervisor (1.0 position), and health, social service and other support staff (3.5 positions). According to the Department, the dormitory would be constructed using \$900,000 from a federal grant and a 10% state match from general fund support borrowing. On an annualized basis, staffing of the dormitory would cost \$539,200 GPR.

The Committee should note that Corrections has not yet received any federal funding but expects to be informed of the receipt of any grant by the end of September. While the Department indicates that the facility would be similar to dormitories at Kettle Moraine and Oshkosh and could be constructed quickly, the Building Commission has not approved the project or the state match. Timing of action by the Commission is uncertain. Construction delays could also be encountered during the winter months. Given these issues the Department's request for staffing appears to be premature.

Funding Options Identified by the Department

In addition to the funding appropriated for jail contracts (\$2,073,800 GPR in the Committee's appropriation for additional jail contracts and \$1,000,000 GPR currently appropriated for contracts with Wisconsin county jails), the Department has identified the following additional options for funding this request. Only the first option was included in the s. 13.10 request.

Committee Appropriation for Increased Intensive Sanctions Population (s. 20.865(4)(a)). As a result of Corrections' revised estimates concerning the ISP population in 1996-97, the \$937,900 GPR originally placed in the Committee's appropriation for possible intensive sanction population increases could be released to provide partial funding for this request.

Intensive Sanctions Appropriation (s. 20.410(1)(ai)). In its s. 13.10 request, the Department planned to increase efforts to utilize the intensive sanctions program, with an additional 600 inmates released to the program over current levels by the end of the year. Since submitting its request, the Department now indicates that an increase of 300 inmates to ISP is a more realistic estimate. Act 416 provided funding for an intensive sanctions population of 2,220; 300 additional inmates would bring the population to 1,858. As a result, the Department has identified \$1,216,300 GPR in appropriation s. 20.410(1)(ai) which could be transferred to fund this request.

Serious Juvenile Offender Appropriation (s. 20.410(3)(cg)). As outlined in the Fiscal Bureau paper concerning agenda item III, Corrections officials now estimate that approximately \$5.0 million in 1996-97 may be available to address its request under s. 13.10, through a transfer from the serious juvenile offender appropriation under s. 20.410(3)(cg). The purpose of the serious juvenile offender (SJO) appropriation is to provide reimbursement for correctional costs for certain violent juvenile offenders and additional juveniles adjudicated as serious offenders after July 1, 1996. The SJO appropriation is provided \$14,056,700 GPR in 1996-97.

Corrections officials have now projected 1996-97 SJO expenditures at approximately \$9 million, based on updated estimates of average daily populations and certain assumptions concerning how juveniles will transition from institutional care to various types of community programming. The Department's new projection would result in a surplus of approximately \$5 million in 1996-97.

The number of new serious juvenile offender dispositions that will be made in 1996-97 is a critical consideration in projecting any potential surplus. The SJO disposition option (available for juveniles committing an offense on or after July 1, 1996) is new and no historical data is available at this time. Further, to the extent that additional juveniles receive SJO dispositions, counties will retain a greater proportion of their youth aids allocations; this financial incentive may result in counties seeking SJO dispositions whenever possible. Due to these factors, the Department's estimate of SJO dispositions in 1996-97 is speculative.

The uncertainty regarding the actual number of SJO admissions in 1996-97 could mean that the \$5.0 million projected surplus could vary to some extent. For example, if the average number of SJO admissions vary from the DOC estimates of 14 per month by three juveniles (to 11 or 17 per month), the cost to the SJO appropriation would vary by about \$672,000.

Additional data on continuing costs under the appropriation and on the number of SJO dispositions being ordered will be available later in the fiscal year. A more accurate estimate of

a surplus in the appropriation, which would be available to transfer or to lapse to the general fund, would be possible at a later date.

The following table summarizes the potential Corrections funds which could be used to fund the Department's requests (Agenda items III and IV).

Committee Reserve Funds for Jail Contracts	\$2,073,800
Wisconsin Jail Contract Funds	1,000,000
Committee Reserve Funds for Intensive Sanctions	937,900
Intensive Sanction Funds	1,216,300
Serious Juvenile Offender Funds	<u>5,000,000</u>
Total	\$10,228,000

Inmate Expenses

Inmate food, wages, clothing, health care, and other inmate supplies and services are budgeted on an annual per inmate cost of \$3,347. In its s. 13.10 request, the Department did not request additional funds for these inmate expenses because the projected increase in the institutional population would largely be handled through the increased releases to intensive sanctions and the Texas jail contract. With the revised projections, there will be an average daily population of 232 more prison inmates than budgeted in Act 416. This represents a \$776,500 GPR shortfall in the amount budgeted for inmate expenses. The Department has not requested these funds and indicates that there are no additional funds available for reallocation beyond that identified in their revised request. The Department may manage within its current appropriation, or return under s. 13.10 at a later point. However, the Committee may wish to provide funding for this increase at this time. If the Committee provides full funding for the Department's requests under the revised estimates, there would be \$236,800 GPR remaining from the potential \$5 million surplus identified in the serious juvenile offender appropriation. If the Committee adopts any other alternatives, more than \$776,500 GPR would be remaining from the potential \$5 million surplus in serious juvenile offender appropriation for reallocation. Alternatively, the Committee could take no action at this time in order to determine if: (a) current projections are accurate; and (b) the Department can manage within its current appropriation.

ALTERNATIVES

A. Approval of Contracts for Use of County Jail Beds in Texas

1. Approve the agreement between the Texas counties of Hood, Johnson, Palo Pinto and Comanche and the Department which would provide up to 700 beds for Wisconsin inmates in Texas county jails between October 15, 1996 and June 30, 1997.

2. In addition to alternative A1, allow the Department to submit to the Committee for a 14-day passive review the names of any additional counties to be added as parties to this agreement and copies of the proposed agreements.

B. Funding for Contracts with Texas County Jails

1. Approve the Department's request for an additional \$5,154,800 GPR and 2.0 GPR positions (\$5,097,900 under appropriation 20.410(1)(ab) and \$56,900 and 2.0 positions under appropriation 20.410(1)(a)) to provide funding to transfer 700 Wisconsin prisoners to Texas jails by February, 1997. Funding sources for this request would be: (a) the release of \$2,073,800 from the Committee's appropriation (s. 20.865(4)(a)) for intergovernmental jail contracts; (b) the release of \$937,900 from the Committee's appropriation (s. 20.865(4)(a)) for intensive sanctions funding; and (c) the transfer of \$2,143,100 from the Committee's appropriation (s. 20.865(4)(a)).

2. Provide \$3,881,500 GPR and 2.0 GPR positions (\$3,824,500 to appropriation s. 20.410(1)(ab) and \$56,900 and 2.0 positions to appropriation s. 20.410(1)(a)) to provide funding for the transfer of 360 inmates by December, 1996, and a total of 700 Wisconsin prisoners to Texas jails by May, 1997. Provide the funding from: (a) the release of \$2,073,800 from the Committee's appropriation (s. 20.865(4)(a)) for intergovernmental jail contracts; (b) the release of \$937,900 from the Committee's appropriation (s. 20.865(4)(a)) for intensive sanctions funding; and (c) the transfer of \$869,800 from the intensive sanctions appropriation (s. 20.410(1)(ai)).

3. Provide \$2,553,200 GPR and 2.0 GPR positions (\$2,496,300 to appropriation s. 20.410(1)(ab) and \$56,900 and 2.0 positions to s. 20.410(1)(a)) to provide funding for the transfer of 360 Wisconsin prisoners to Texas jails by December, 1996. Provide the funding from: (a) the release of \$2,073,800 from the Committee's appropriation (s. 20.865(4)(a)) for intergovernmental jail contracts; and (b) the release of \$479,400 from the Committee's appropriation (s. 20.865(4)(a)) for intergovernmental jail contracts. Under this alternative, the Department could request funding for the additional beds, when additional county contracts are submitted to the Committee for approval.

4. Deny the Department's request.

C. Increased Staffing at Existing Correctional Institutions

1. Approve the Department's request to transfer \$2,215,200 GPR from the Committee's appropriation (s. 20.865(4)(a)) to the Department's general program operations appropriation (s. 20.410(1)(a)) to provide funding for 80.3 GPR positions at existing correctional institutions.

2. Provide \$1,622,700 GPR and 58.44 GPR positions in 1996-97 for the Department of Corrections based on staffing ratios that would result from an increased number of inmate beds in existing correctional institutions. Transfer \$346,500 from the intensive sanctions appropriation

(20.410(1)(ai) and \$1,276,200 from the serious juvenile offender appropriation (20.410(3)(cg) to s. 20.410(1)(a)).

3. Provide \$1,293,600 GPR and 47.27 positions for security staffing only in housing units at existing institutions. Transfer \$346,500 from the intensive sanctions appropriation (20.410(1)(ai)) and \$947,100 from the serious juvenile offender appropriation (20.410(3)(cg)) to s. 20.410(1)(a).

4. Deny the request.

D. Staffing of Taycheedah Correctional Institution Dormitory

1. Approve the Department's request to transfer \$193,400 GPR from the Committee's supplemental appropriation (s. 20.865(4)(a)) to the Department's general program operations appropriation under s. 20.410(1)(a) for the operation of a 150-bed dormitory at the Taycheedah Correctional Institution. Provide an additional 20.2 staff positions for the dormitory.

2. Deny the request.

E. Inmate Expenses

1. Provide \$775,900 GPR for inmate expenses to cover the projected increase in the average daily population of prison inmates in 1996-97. Transfer \$775,900 from the serious juvenile offender appropriation under s. 20.410(3)(cg) to s. 20.410(1)(a). [Note: If the Department's requests are fully funded, this alternative would reduce the serious juvenile offender appropriation by \$539,100 more than is estimated to be available. Thus, an additional funding source would need to be identified.]

2. Take no action.

ATTACHMENT I

Summary of Major Provisions of the Agreement Between Four Texas Counties and Wisconsin Department of Corrections for the Temporary Housing of Inmates

Parties. Hood County Texas and associated Texas counties of Johnson, Palo Pinto and Comanche (Counties), and the Wisconsin Department of Corrections (Department).

Terms. In effect from October 15, 1996 through June 30, 1997; may be terminated upon 30 days written notice to the other party, and may be amended or extended in one-year increments upon the written agreement of the parties. The Department will remove its inmates within 30 days of termination of the agreement.

Number of Beds. Up to 700 inmate beds, dependent on bed space availability.

Selection of Inmates. The criteria for inmate selection is medium custody males who, at the time of transfer, are cleared by health, dental and medical services. Inmates with a history of institutional violence, escape or attempted escape from secure custody will not be eligible for transfer. The counties have the right to reject any inmate due to medical or behavior problems which county Sheriff determines to be unacceptable. The Department can return any inmate to Wisconsin at any time and replace or not replace the inmate with another.

Responsibility for Inmate Custody, Services and Discipline. The counties will be responsible for confining the inmates in appropriate penal surroundings consistent with applicable federal and state laws and regulations, but the counties will not be required to provide additional treatment, facilities or programs to Department inmates which they do not provide to other similar inmates. Inmates will not be permitted or required to participate in any training or work program contrary to Department rules. The counties will have physical control over and power to exercise disciplinary authority over inmates, but counties are not authorized to permit punishment prohibited by Department rules.

Right of Inspections. The Department will have the right to inspect the county jails at all reasonable times to determine that appropriate standards of care and discipline are being met.

Medical Services. The Department will provide appropriate medical information prior to transfer, including certification of tuberculosis screening or treatment. Inmates will receive medical, optometric, psychiatric and dental diagnosis and treatments as necessary to safeguard their physical and mental health and comply with federal, Wisconsin and Texas law. These services will not be less than that provided to other inmates. These costs will be paid by the counties if the services are provided by the jail and the inmate requires no special care in addition to that commonly provided by the jail. The cost of any special care will be paid by the Department. Except in an emergency, the counties will contact the Department for prior written approval for medical, psychiatric or dental expenses for which the Department is responsible.

In an emergency, the counties will notify the Department as soon as practicable. If required mental health treatment is not available in the counties, the Department will transfer the inmate to its own facility. Dental services payable by the Department will not exceed services necessary for the relief of continuous pain or acute infection. Copies of health care and related records will be provided by the Department upon request to the counties health care providers. These remain the property of the Department and may not be altered, and will be returned to the Department when the inmate is removed from the jail.

Laws and Regulations for Inmate Conduct. Inmates will be subject to all provisions of law and regulations applicable to similar county jail inmates. When an inmate would be subject to discipline under the Department's Administrative code and the counties want the inmate removed, the Department may discipline the inmate under its rules.

Inter-Institutional Transfer. The counties may transfer an inmate between facilities under this agreement with written notification to the Department.

Escape. The counties will have the primary responsibility and authority to direct the pursuit, retaking and prosecution of escaped inmates within their own territories. Any associated costs will be borne by the counties.

Retaking of Inmates. The decision to retake an inmate is the Department's and is not reviewable by the counties, unless there is a pending criminal charge or if the inmate is suspected of having committed a criminal offense, the inmate will not be taken without the consent of the Sheriff until discharged from prosecution or imprisonment for the offense. All inmates will be returned to Wisconsin; no inmates will be released in Texas.

Cost and Reimbursement. The Department will pay the counties \$39.96 per day per inmate for the term of this agreement (October 15, 1996 through June 30, 1997). The counties will invoice the Department monthly, and the Department will pay within 30 days of receipt of the invoice. Payment will be made for the day of the inmate's arrival but not the day of his departure.

The counties will provide: lodging facilities; programs; constant monitoring of the premises; three nutritious meals a day (two will be hot); and basic necessities including but not limited to beds, clean bedding, personal hygiene items, toilet facilities, recreational facilities as may be available, canteen facilities, visiting facilities, library/law library and other program services that may be available. Inmates will have access to all volunteer programs/activities and chaplaincy directed programs, crisis intervention and social services treatment available to other jail inmates.

The counties will provide necessary program space required to conduct any supplemental treatment programs arranged by the Department.

The counties will provide the inmates an institution account and institution needs pay of \$3.20 per week (5 days at \$.64/day) when in general population status.

Responsibility for Legal Proceedings. The Department will defend any action or proceeding involving the legality of revocations or sentence computations of its inmates or the placement or removal of inmates in county jails. The counties will be reimbursed for any expense connected with such actions or proceedings.

The counties will defend, at their expense, any action or proceeding arising out of confinement in the county jails which involves the conditions of confinement or the actions of county employees.

Disputes. Any disputes arising from this agreement which cannot be settled by contract administrators will be subject to arbitration as provided under Wisconsin statutes.

Rights or Benefits. This agreement does not provide or create any rights or benefits to any of the inmates.